

ISOC European Regional Bureau Newsletter

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Data protection

EU: Commission assesses the necessity for a new Data Retention bill

- **Paul Nemitz**, Director responsible for Fundamental rights and Union citizenship at the Commission's Justice Department, stated that the Commission is assessing whether the **annulled Data Retention Directive** had any **impact on combating terrorism**. Based on the analysis of data retention's contribution to national security, the Commission will **determine whether to propose a new bill**. Operators will be asked to provide empirical evidence.
- The 2006 Directive was scrapped earlier this year by the European Court of Justice for breaching EU human rights provisions. Following the judgment, Member States review the implementation of the Directive, which could lead to a patchwork of national approaches.

France: CNIL to issue privacy certifications

- **Sophie Nerbonne**, Director for compliance at CNIL, the French data protection watchdog, stated that the authority is developing **special privacy seals** to be issued to companies that comply with certain information-processing procedures.
- According to CNIL, the move is to **help data protection officers implement privacy** provisions within their companies.
- CNIL is currently chairing the **Article 29 Working Party**, the umbrella group for EU Member States data protection authorities.

EU: Global general approach on the proposed Regulation not to be reached this year

- At a meeting on 4 December, **EU Justice Ministers** will **seek to agree on new chapters** of the proposed **Data Protection Regulation**. It was reported that contrary to earlier statements by Italian Justice Minister Andrea Orlando, **Member States are not yet ready to agree on a global general approach**. Thus, it is **unlikely that a trialogue will open** at the end of the year.
- Discussions on the **one-stop shop principle** are also expected. The proposal of the Italian Presidency on the matter is said to be halfway between the position of those calling for the sanction powers to be given to a competent European agency only and those who want the Member States' authorities to be fully involved with decisions leading to sanctions. Member States will also discuss the possibility for a new **body of European data protection authorities** to adopt legally-binding decisions in cross-border disputes over a company's misuse of personal data.

Germany: One third of users ready to pay for better data protection

- A recent **survey** conducted by the **German Institute for Trust and Security on the Internet (DIVSI)** unveiled that German Internet users strongly oppose the sale and misuse of personal data. One third of respondents stated that they are **willing to pay for data protection**.
- While most respondents are aware that online providers monetize their personal data, 80% are against

this business model.

- The users who are ready to pay for their data to be used only according to their wishes and not be sold without consent stated that they would spend an average of €41 per year for this kind of service. As a result, **data protection is worth a combined €900 million to Germans**. Nevertheless, a majority of respondents willing to pay remained doubtful that a payment model for data security is plausible.
- Almost all respondents (97%) called for the **misuse of personal data to be more closely tracked and strongly penalised**.
- **Michael Kammer**, Director at DIVSI, stated that in the interest of consumers, politicians should do more to fulfil their responsibility by imposing uniform data protection on domestic and foreign companies active in the country. Kammer added that the majority of Internet users called on providers to increase transparency with regards to **personal data storage** information.

Net neutrality

EU: Negotiators consider watering down net neutrality provisions

- The **net neutrality provisions** contained in the latest **draft** of the proposed Connected Continent package are said to be less stringent. The **draft does not define net neutrality** nor the so-called **specialised services**.
- The proposal comes at a time when the European Parliament pushes to begin trialogue negotiations and asks for more detailed rules on net neutrality.
- **Vesa Terävä**, head of Regulatory Coordination and Users unit at DG Connect, stated that net neutrality discussions risk polluting the overhaul of EU telecom rules. Recalling that Slovenia and the Netherlands already have net neutrality provisions, Terävä warned that if no European solution is found, more and more national rules on net neutrality will appear, thus further fragmenting the EU market.
- In her intervention at the **ECTA Regulatory Conference** that took place this week in Brussels, **MEP Pilar del Castillo** stated that negotiations on the proposed package should get under way. MEP Del Castillo led the Parliament's work on the legislation.
- **Anthony Whelan**, Director of Electronic Communications Networks and Services at DG Connect stated that it would be a significant achievement for the final text to include a stable net neutrality regime.

Cybersecurity

EU: Scope of the NIS Directive divides negotiators

- The main outstanding issue with regards to the proposed **Network and Information Security Directive** (NIS) is its scope, underlined **a note** written by the Italian Presidency to the Council.
- Whereas the **Council's proposal** would allow Member States to assess which operators in identified sectors would be subject to security and notification obligations, the **Parliament's approach** would include all operators in all of the sectors identified with a possible degree of providing evidence of effective implementation of security policies.
- The **identification and inclusion of certain sectors remain an issue**, including the question whether Internet enablers should be added to the list.
- A **final trialogue** on the proposal is scheduled to take place on **9 December**. The Presidency voiced its confidence for compromise solutions to be worked out and a deal reached before the end of the year.

Open Internet/Security

UK: ISPs and digital companies agree to step up efforts to counter extremist content

- The UK Prime Minister **David Cameron announced** that the country's **major ISPs** (BT, Virgin, Sky and Talk Talk) committed to host a **public reporting button for extremist and terrorist material online**. The ISPs have also agreed to **tighten** their control to ensure that incriminated material is being captured.
- Next to ISPs, some major **digital companies** (e.g. Twitter and Google) have agreed to support raising awareness and improve capacity to deal with this kind of content.
- The definition of extremist content will be critical.

General

EU: Telecom regulator warns against Internet bottlenecks

- **Fátima Barros**, head of Portugal's top telecom regulator, warned against **Internet bottlenecks** and called on national telecom authorities to pay close attention to the matter. However, she also said that the ability of these authorities to intervene could be limited because regulating content is not part of their mandate.
- Barros, who has been appointed as the 2015 chairman of the **Body of European Regulators of Electronic Communications** (BEREC) underlined that the authorities need to monitor the potential of new bottlenecks and learn to **deal with the over-the-top services**.

EU: Presidency suggests broadband targets should be considered minimum requirements

- The Italian Presidency suggested for **EU broadband targets** to be considered **minimum requirements**. The targets were defined within the framework of the **Digital Agenda for Europe**: by 2020, EU citizens should have access to network of at least 30 MB per second, half of them subscribing to services of at least 100 MB/s.